



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

March 12, 1991

Mr. Jeff Hartsell
Assistant City Attorney
The City of El Paso
2 Civic Center Plaza
El Paso, Texas 79999

OR91-131

Dear Mr. Hartsell:

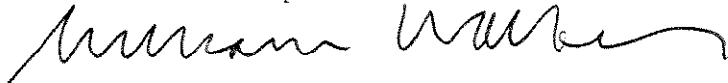
You ask whether certain information in a city fire department's file on the investigation of a fire are subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11,740.

The information you submitted includes statements suggesting that the person injured in the fire had started it in an attempt to take his own life. The information also contains statements that the victim was suffering from alcohol abuse.

We have considered the exception you claimed, specifically section 3(a)(1), and have reviewed the documents at issue. Section 3(a)(1) requires the withholding of information deemed confidential by constitutional or statutory law or by judicial decision. You claim that the information you submitted must be withheld under section 3(a)(1) because releasing it would intrude on privacy interests of the victim which are protected under constitutional and common law privacy principles. See generally, Industrial Found. of the South v. Texas Indus. Accident Bd., 540 S.W.2d 668 (Tex. 1976), cert. denied, 430 U.S. 931 (1977). A previous determination of this office, Open Records Decision No. 422 (1984), a copy of which is enclosed, ruled that information tending to indicate that a person's injuries were intentionally self-inflicted was protected under section 3(a)(1) in conjunction with privacy law. Additionally, Open Records Decision No. 262 (1980), a copy of which is enclosed, indicated that privacy law in conjunction with section 3(a)(1) would protect information about a person's injuries which related to, inter alia, "acute alcohol intoxication" or "emotional/mental distress." Accordingly, we have marked the portions of the documents you submitted which we believe must be withheld because they tend to indicate that the victim's injuries resulted from his attempt to take his own life, or to indicate his alleged problems with alcohol.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-131.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/lcd

Ref.: ID# 11,740

Enclosure: Open Records Decisions Nos. 422 and 262

cc: Pete Noll
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